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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,633	01/14/2002	Alexei Gorokhov	NL 010037	4799
24737	7590	04/25/2005	EXAMINER FILE, ERIN M	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/046,633

Applicant(s)

ALEXEI GOROKHOV

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/14,3/12,7/11/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 11, 14, 17, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brink.

**Claims 1, 8, 11, 14, 17, 20, 23**, Brink discloses a digital transmission system and method (title) in which a multilevel signal is transmitted (abstract). The transmitter, as shown in figure 4, comprises an M:1 mapper (8), in which M bits are grouped together and mapped onto a complex signal constellation (col. 7, lines 4, 5). The receiver, also shown in figure 4, comprises a demapper (10) for demapping the received multilevel signal. The multilevel signal according to the signal constellation, wherein the signal constellation comprises a number of signal points with corresponding labels (fig. 5-7). Brink fails to disclose a constellation mapping wherein  $D_a > D_f$ , with  $D_a$  being the minimum of the Euclidean distances between all pairs of signal points whose corresponding labels differ in a single position, and with  $D_f$  being the minimum of the Euclidean

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distances between all pairs of signal points. However, Brownlie discloses a signal mapping constellation (fig. 4b) in which the minimum distance between two points in which the labels vary in only one position is greater than the minimum distance between any pair of points. The use of a constellation mapping in which the adjacent symbols vary by more than one position reduces the bit error rate. Brink's invention discloses that it stores and uses multiple constellation mappings (col. 6, lines 18-25) that lead to the least number of errors, therefore it would be obvious to one skilled in the art at the time of invention to use Brownlie's signal constellation in Brink's invention.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 2, 9, 12, 15, 18, 21, 24,** include the limitation "wherein  $D_a$  has a

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substantially maximum value". There is an absolute maximum value of  $D_a$ , and therefore the meaning of substantially maximum is unclear and therefore rendered vague and indefinite.

**Claims 3, 10, 13, 16, 19, 22, 25**, include the limitation " $H_1$  has a substantially minimum value" where  $H_1$  is the average hamming distance between all pairs. There is an absolute maximum value of  $H_1$ , and therefore the meaning of substantially maximum is unclear and therefore rendered vague and indefinite.

**Claims 4-7, 26-29**, include the use of the phrase "or an equivalent signal constellation thereof" which is not precise in meaning and is therefore rendered vague and indefinite.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. The examiner can normally be reached on M-F 9:30-6:00.

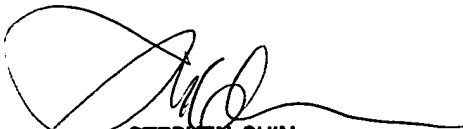
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin M. File

4.5.2005



**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINEE**  
**TECHNOLOGY CENTER 2800**